

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INA STEINER, DAVID STEINER,
and STEINER ASSOCIATES, LLC

Plaintiffs,

v.

EBAY, INC., et al.,

Defendants.

Civil Action No. 1:21-cv-11181-PBS

**DECLARATION OF ANDREW G. FINKELSTEIN IN SUPPORT OF PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Andrew G. Finkelstein, declare and state as follows:

1. I am the managing partner with the law firm of Finkelstein & Partners, LLP, counsel for Plaintiffs Ina Steiner, David Steiner, and Steiner Associates, LLC in the above-captioned action. In such capacity, I am familiar with all of the facts and prior proceedings had herein based upon my personal knowledge and my review of the file that is maintained in connection with this matter.

2. This Declaration is made in opposition to all Defendants' Motions for Summary Judgment.

3. Attached hereto as Exhibit 1 is Deferred Prosecution Agreement.

4. Attached hereto as Exhibit 2 is EBAY_STEINER_00206553.

5. Attached hereto as Exhibit 3 is Wymer Answer.

6. Attached hereto as Exhibit 4 is Cooke Sentencing Memo.

7. Attached hereto as Exhibit 5 is Baugh Sentencing Memo.

8. Attached hereto as Exhibit 6 is WYMER000000029
9. Attached hereto as Exhibit 7 is Deferred Prosecution Agreement, Attachment A
10. Attached hereto as Exhibit 8 is FBI Mark Wilson Affidavit (Criminal Complaint Affidavit)
11. Attached hereto as Exhibit 9 is EBAY_STEINER_00206664
12. Attached hereto as Exhibit 10 is EBAY_STEINER_00206665
13. Attached hereto as Exhibit 11 is Olausson letter
14. Attached hereto as Exhibit 12 is Olausson deposition
15. Attached hereto as Exhibit 13 is Zea Sentencing Letter
16. Attached hereto as Exhibit 14 is Stockwell deposition
17. Attached hereto as Exhibit 15 is EBAY_STEINER_00002647
18. Attached hereto as Exhibit 16 is EBAY_STEINER_00002537
19. Attached hereto as Exhibit 17 is EBAY_STEINER_00002642
20. Attached hereto as Exhibit 18 is EBAY_STEINER_00206575 (Jones Interview)
21. Attached hereto as Exhibit 19 is Jones' 56.1 Exhibit 7 (Jones Declaration)
22. Attached hereto as Exhibit 20 is Transcript of Deposition of Carmen (Orr) Amara
23. Attached hereto as Exhibit 21 is EBAY_STEINER_00206575
24. Attached hereto as Exhibit 22 is EBAY_STEINER_00203661
25. Attached hereto as Exhibit 23 is EBAY_STEINER_00206593
26. Attached hereto as Exhibit 24 is EBAY_STEINER_00005456
27. Attached hereto as Exhibit 25 is EBAY_STEINER_00003312
28. Attached hereto as Exhibit 26 is EBAY_STEINER_00003313
29. Attached hereto as Exhibit 27 is EBAY_STEINER_00162001

30. Attached hereto as Exhibit 28 is Steiner Response to Interrogatory
31. Attached hereto as Exhibit 29 is Cooke Sentencing Hearing Transcript
32. Attached hereto as Exhibit 30 is Apte eBay 30(b)(6) deposition
33. Attached hereto as Exhibit 31 is EBAY_STEINER_00137891
34. Attached hereto as Exhibit 32 is EBAY_STEINER_00137900
35. Attached hereto as Exhibit 33 is EBAY_STEINER_00005468
36. Attached hereto as Exhibit 34 is EBAY_STEINER_00199181
37. Attached hereto as Exhibit 35 is EBAY_STEINER_00199179
38. Attached hereto as Exhibit 36 is EBAY_STEINER_00206553
39. Attached hereto as Exhibit 37 is EBAY_STEINER_00206554
40. Attached hereto as Exhibit 38 is WYMER00000423
41. Attached hereto as Exhibit 39 is PPROD-028300
42. Attached hereto as Exhibit 40 is Galinsky Report
43. Attached hereto as Exhibit 41 is EBAY_STEINER_00191771
44. Attached hereto as Exhibit 42 is Wymer Ex. 52 at Response to Interrogatory No. 41
45. Attached hereto as Exhibit 43 is Wymer Ex. 54 at Response to Interrogatory No. 41
46. Attached hereto as Exhibit 44 is Stockwell's response to eBay's RFA
47. Attached hereto as Exhibit 45 is Popp's response to eBay's RFA
48. Attached hereto as Exhibit 46 is Zea's response to eBay's RFA
49. Attached hereto as Exhibit 47 is EBAY_STEINER_00215846
50. Attached hereto as Exhibit 48 is PFC0000165
51. Attached hereto as Exhibit 49 is PPROD-071821
52. Attached hereto as Exhibit 50 is PFC0000317

53. Attached hereto as Exhibit 51 is Page views CHART (PPROD-068909)
54. Attached hereto as Exhibit 52 is Deposition Testimony of Ina Steiner
55. Attached hereto as Exhibit 53 is Plaintiff Interrogatory Responses
56. Attached hereto as Exhibit 54 is 30b6 exhibit 10
57. Attached hereto as Exhibit 55 is EBAY_STEINER_00002874
58. Attached hereto as Exhibit 56 is EBAY_STEINER_00004605
59. Attached hereto as Exhibit 57 is EBAY_STEINER_00187908.xlsx
60. Attached hereto as Exhibit 58 is PPROD-072334
61. Attached hereto as Exhibit 59 is Wenig Interview Memo at 00203661
62. Attached hereto as Exhibit 60 is WYMERO0000029
63. Attached hereto as Exhibit 61 is WYMERO0000290
64. Attached hereto as Exhibit 62 is eBay's summary judgment motion
65. Attached hereto as Exhibit 63 is The Ebay / PFC Master Service Agreement
66. Attached hereto as Exhibit 64 is PFC deposition Transcript
67. Attached hereto as Exhibit 65 is PFC deposition exhibit 21
68. Attached hereto as Exhibit 66 is PFC deposition exhibit 20
69. Attached hereto as Exhibit 67 is PFC deposition ex.12
70. Attached hereto as Exhibit 68 is PFC deposition ex. 11
71. Attached hereto as Exhibit 69 is Zea NDA PFC0001150
72. Attached hereto as Exhibit 70 is Amendment to Master services agreement
73. Attached hereto as Exhibit 71 is Statement of Work 4
74. Attached hereto as Exhibit 72 is EBAY_STEINER_00003175
75. Attached hereto as Exhibit 73 is PPROD-076030

- 76. Attached hereto as Exhibit 74 is EBAY_STEINER_00005392
- 77. Attached hereto as Exhibit 75 is EBAY_STEINER_00075640
- 78. Attached hereto as Exhibit 76 is EBAY_STEINER_00169553
- 79. Attached hereto as Exhibit 77 is EBAY_STEINER_00029796
- 80. Attached hereto as Exhibit 78 is EBAY_STEINER_00168587
- 81. Attached hereto as Exhibit 79 is Dan Cory Deposition Transcript
- 82. Attached hereto as Exhibit 80 is EBAY_STEINER_00002545–2547
- 83. Attached hereto as Exhibit 81 is Veronica Zea Deposition Transcript
- 84. Attached hereto as Exhibit 82 is Stockwell's response to eBay's RFA
- 85. Attached hereto as Exhibit 83 is Cooke's Responses to eBay, Inc.'s Requests for

Admission

- 86. Attached hereto as Exhibit 84 is PFC0000394
- 87. Attached hereto as Exhibit 85 is EBAY_STEINER_00041085-00041088
- 88. Attached hereto as Exhibit 86 is EBAY_STEINER_00044143-00044145
- 89. Attached hereto as Exhibit 87 is EBAY_STEINER_00044306-00044313
- 90. Attached hereto as Exhibit 88 is WHATSAPP00000043-00000360
- 91. Attached hereto as Exhibit 89 is EBAY_STEINER_00041085-00041088
- 92. Attached hereto as Exhibit 90 is EBAY_STEINER_00044143-00044145
- 93. Attached hereto as Exhibit 91 is EBAY_STEINER_00003890
- 94. Attached hereto as Exhibit 92 is EBAY_STEINER_00215418
- 95. Attached hereto as Exhibit 93 is EBAY_STEINER_00044285
- 96. Attached hereto as Exhibit 94 is EBAY_STEINER_00206575
- 97. Attached hereto as Exhibit 95 is EBAY_STEINER_00005459

98. Attached hereto as Exhibit 96 is EBAY_STEINER_00202596

99. Attached hereto as Exhibit 97 is Defendant Philip Cooke's Responses and Objections to Wendy Jones' First Set of Interrogatories

100. Attached hereto as Exhibit 98 is TK Defendant Brian Gilbert's Responses and Objections to Wendy Jones' First Set of Interrogatories

101. Attached hereto as Exhibit 99 is EBAY_STEINER_00206553

102. Attached hereto as Exhibit 100 is EBAY_STEINER_00206579

103. Attached hereto as Exhibit 101 is WYMER00000272

104. Attached hereto as Exhibit 102 is EBAY_STEINER_00206541

105. Attached hereto as Exhibit 103 is WYMER00000204

106. Attached hereto as Exhibit 104 is EBAY_STEINER_00056941

107. Attached hereto as Exhibit 105 is WYMER00000388

108. Attached hereto as Exhibit 106 is PPROD-012841

109. Attached hereto as Exhibit 107 is WYMER00000262

110. Attached hereto as Exhibit 108 is WYMER00000287

111. Attached hereto as Exhibit 109 is EBAY_STEINER_00120964

112. Attached hereto as Exhibit 110 is Wymer00000323

113. Attached hereto as Exhibit 111 is EBAY_STEINER_00004455

114. Attached hereto as Exhibit 112 is EBAY_STEINER_00048307

115. Attached hereto as Exhibit 113 is WYMER00000375

116. Attached hereto as Exhibit 114 is EBAY_STEINER_00195355

117. Attached hereto as Exhibit 115 is PFC0001188

I declare under penalty of perjury of the laws of the United States that the forgoing is true and correct.

Executed this 10th day of January 2025, at Newburgh, New York.

Dated: January 10, 2025

Respectfully submitted,

/s/Andrew G. Finkelstein

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